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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/665,063 | 09/17/2003 | Chen Cheng Lee | 1121032 | 5496 |

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PRO-TECHTOR INTERNATIONAL
20775 Norada Court
Saratoga, CA 95070-3018

EXAMINER

MORRISON, THOMAS A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3653.

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,063

Applicant(s)

LEE, CHEN CHENG

Examiner

Thomas A. Morrison

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 10-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-9 in the reply filed on May 6, 2005 is acknowledged.

Claim Objections

2. Claims 1-9 are objected to because of the following informalities: (a) any occurrences of "bottoms hell" in lines 12-13 of claim 1 should be changed to -- bottom shell --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the output side" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the bottom shell" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Also, it is unclear in claim 1, what is meant by the recited "bearings bilaterally disposed at two sides of each said bracket".

Regarding claim 2, it is unclear what is meant by the recited "two annular grooves extending around the periphery near two distal ends thereof for mounting". In particular, it is unclear from the language of claim 2, what the shaft is mounted to.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,267,373 (Takata) (hereinafter "Takata '373") in view of U.S. Patent Publication No. 20010028146 (Takata)(hereinafter "Takata '146"). In particular, Takata '373 in view of Takata '146 meets all of the limitations of claims 1-9.

Regarding claim 1, Figs. 2-5 of Takata '373 show a sheet member output mechanism (10) mounted in a receiving open chamber at the output side of the bottom shell (Fig. 1) of a labeling machine and adapted to deliver a printed sheet member out of the output side of the bottom shell, the sheet member output mechanism including

a sheet-transfer cylinder (56) mounted in the receiving open chamber at the output side of the bottom shell (Fig. 1 and column 3, lines 63-67), the sheet-transfer cylinder (56) having a cylinder body (56), and a shaft (56a) axially extended through the cylinder body (56);

two brackets (one bracket 62 on each end of the sheet-transfer cylinder 56) adapted to support the sheet-transfer cylinder (56) in the receiving open chamber at the output side of the bottom shell (Fig. 1), each bracket (62) including a bearing base (near 80), the bearing base (near 80) defining a receiving space adapted to receive the shaft (56a) of the sheet-transfer cylinder (56), and two mounting portions (i.e., two portions of 74a that are located near the two retaining portions 76a on each bracket 62) respectively outwardly extended from two top free ends of the bearing base (near 80) and adapted to hang the respective bracket (62) on a part (near 66) in the receiving open chamber at the output side of the bottom shell.

Figs. 2-5 of Takata '373 also show a driven member (92) fastened to one end of the shaft (56a) of the sheet-transfer cylinder (56) and coupled to a transmission mechanism inside the labeling machine for rotating the sheet-transfer cylinder (56). See also column 4, lines 4-6 and Fig. 1. Inherently the driven member is driven by a transmission mechanism. Also, Fig. 1 shows that the roller pairs (e.g., 38, 48, and 50) are all located inside the machine.

Figs. 2-5 of Takata '373 also show axle bearings (82a), but these figures do not specifically show a plurality of axle bearings bilaterally disposed at two sides of each bracket (62), with the axle bearings each have a circular center hole, which receives the shaft of the sheet-transfer cylinder.

Takata '146 shows that it is well known to provide a plurality of axle bearings (218a and 218b) in a bracket (214) that holds a driven shaft (222) on a sheet member

output mechanism, to ensure that the driven shaft is adequately supported in the bracket. See, e.g., Figs. 7 and 10. It would have been obvious to one of ordinary skill in the art at the time the invention was made, to provide the bracket of Takata '373 with a plurality of bearings, to ensure that the driven shaft is adequately supported in the bracket, as shown in Takata '146.

Regarding claims 2 and 3, Figs. 2-3 of Takata '373 show that the shaft (56a) of the sheet transfer cylinder (56) has an annular groove (near 98a) extending around the periphery near one distal end and a C-shaped clamp (clamp portion on 92) fastened to the annular groove (near 98a) to secure the sheet-transfer cylinder (56) to the bracket (62), but Figs. 2-3 do not specifically show the other end of the shaft (56a).

Takata '146 shows that it is well known to use a sheet-transfer cylinder structure (including 204 in Fig. 5) in a sheet member output mechanism (Fig. 2) that has one gear structure on each end of a shaft (204), in order to transfer a sheet in a substantially horizontal attitude. See, e.g., Abstract of Takata '146. It would have been obvious to one of ordinary skill in the art at the time the invention was made, to provide the sheet transfer cylinder (56) of Takata '373 with the same gear mounting structure (same C-shaped clamp and annular groove) on both ends of the shaft (56a) of Takata '373, in order to allow sheets to be transferred in a substantially horizontal attitude, as taught by Takata '146.

Regarding claim 4, Fig. 3 of Takata '373 shows that the shaft (56a) of the sheet-transfer cylinder (56) has a flat positioning portion at the periphery of one end thereof.

Regarding claim 5, Fig. 3 shows that the driven member (92) has a flat positioning portion abutted against the flat positioning portion of the shaft (56a) of the sheet-transfer cylinder (56) to prevent rotary motion of the sheet-transfer cylinder (56) relative to the driven member (92).

Regarding claim 6, Figs. 2 shows that each bracket (62) comprises two retaining portions (76a) disposed at two sides of the respective bearing base (near 80) and adapted to secure the respective bracket (62) to the receiving open chamber at the output side of the bottom shell of the labeling machine.

Regarding claim 7, Fig. 4 shows that the receiving open chamber of the bottom shell of the labeling machine comprises a plurality of retaining portions adapted to engage the retaining portions (76a) of the brackets (62).

Regarding claim 8, Figs. 2 and 3 show that the driven member (92) is a gear wheel.

Regarding claim 9, Figs. 2 and 3 show that the driven member (92) has a center gear hole, which receives one end of the shaft (56a) of the sheet-transfer cylinder (56), and a flat positioning portion abutted against a flat positioning portion at one end of the shaft (56a) of the sheet-transfer cylinder (56).


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (571) 272-6944. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DONALD WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600